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December 08, 2004

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APPLICATION NUMBER: 60/519,238

FILING DATE: *November 12, 2003*

RELATED PCT APPLICATION NUMBER: *PCT/US04/37980*

Certified by




Jon W Dudas

Acting Under Secretary of Commerce
for Intellectual Property
and Acting Director of the U.S.
Patent and Trademark Office

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17236 U.S. PTO

Practitioner's Docket No. U 014764-0

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ANTHONY MORALI

For: SOLAR RAIL SYSTEM

Mail Stop Provisional Patent Application
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Optional Customer No. Bar Code



00140

PATENT TRADEMARK OFFICE

22241 U.S. PTO
60/519238



COVER SHEET FOR FILING PROVISIONAL APPLICATION
(37 C.F.R. § 1.51(c)(1))

WARNING: "A provisional application must also include the cover sheet required by § 1.51(c)(1) or a cover letter identifying the application as a provisional application. Otherwise, the application will be treated as an application filed under paragraph (b) [nonprovisional application] of this section." 37 C.F.R. § 1.53(c)(1).. See also M.P.E.P. § 201.04(b), 6th ed., rev. 3.

CERTIFICATION UNDER 37 C.F.R. 1.10*
(Express Mail label number is mandatory.)
(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on November 12, 2003, in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 Mailing Label Number EV 327550883 US addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Geraldine Marti
(type or print name of person mailing paper)

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

NOTE: "A complete provisional application does not require claims since no examination on the merits will be given to a provisional application. However, provisional applications may be filed with one or more claims as part of the application. Nevertheless, no additional claim fee or multiple dependent claims fee will be required in a provisional application." Notice of December 5, 1994, 59 FR 63951, at 63953.

"Any claim filed with a provisional application will, of course, be considered part of the original provisional application disclosure." Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,209.

NOTE: "A provisional application is not entitled to the right of priority under 35 U.S.C. 119 or 365(a) or § 1.55, or to the benefit of an earlier filing date under 35 U.S.C. 120, 121 or 365(c) or § 1.78 of any other application. No claim for priority under § 1.78(a)(3) may be made in a design application based on a provisional application. No request under § 1.293 for a statutory invention registration may be filed in a provisional application. The requirements of §§ 1.821 through 1.825 regarding application disclosures containing nucleotide and/or amino acid sequences are not mandatory for provisional applications." 37 C.F.R. 1.53(c)(3).

NOTE: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(d). "Any information disclosure statements filed in a provisional application would either be returned or disposed of at the convenience of the Office." Notice of December 5, 1994, 59 FR 63591, at 63594.

NOTE: "No amendment other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application." 37 C.F.R. § 1.53(c).

NOTE: 35 U.S.C. 119(e) provides that "[i]f the day that is 12 months after the filing date of a provisional application falls on a Saturday, Sunday, or Federal Holiday within the District of Columbia, the period of pendency of the provisional application shall be extended to the next succeeding secular or business day."

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 C.F.R. § 1.51(c)(1)(i).

1. The following comprises the information required by 37 C.F.R. § 1.51(c)(1):
2. The name(s) of the inventor(s) is/are (37 C.F.R. § 1.51(c)(1)(ii)):

NOTE: "If the correct inventor or inventors are not named on filing, a provisional application without a cover sheet under § 1.51(c)(1), the later submission of a cover sheet under § 1.51(c)(1) during the pendency of the application will act to correct the earlier identification of inventorship." 37 C.F.R. § 1.48(f)(2).

NOTE: "The naming of inventors for obtaining a filing date for a provisional application is the same as for other applications. A provisional application filed with the inventors identified as 'Jones et al.' will not be accorded a filing date earlier than the date upon which the name of each inventor is supplied unless a petition with the fee set forth in § 1.17(i) is filed which sets forth the reasons the delay in supplying the names should be excused. Administrative oversight is an acceptable reason. It should be noted that for a 35 U.S.C. 111(a) application to be entitled to claim the benefit of the filing date of a provisional application the 35 U.S.C. 111(a)[.] application must have at least one inventor in common with the provisional application." Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,209.

The term "invention" is typically used to refer to subject matter which applicant is claiming in his/her application. Because claims are not required in a provisional application, it would not be appropriate to reference joint inventors as those who have made a contribution to the "invention" disclosed in the provisional application. If the "invention" has not been determined in the provisional application because no claims have been presented, then the name(s) of those person(s) who have made a contribution to the subject matter disclosed in the provisional application should be submitted. Section 1.45(c) states that "if multiple inventors are named in a provisional application, each named inventor must have made a contribution, individually or jointly, to the subject matter disclosed in the provisional application." All that § 1.45(c) requires is that if someone is named as an inventor, that person must have made a contribution to the subject matter disclosed in the provisional application. When applicant has determined what the invention is by the filing of the 35 U.S.C. 111(a) application, that is the time when the correct inventors must be named. The 35 U.S.C. 111(a) application must have an inventor in common with the provisional application in order for the 35 U.S.C. 111(a) application to be entitled to claim the benefit of the provisional application under 35 U.S.C. 119(e). Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,208.

See 37 C.F.R. § 1.53.

1.	<u>ANTHONY</u>	<u></u>	<u>MORALI</u>
	GIVEN NAME	MIDDLE INITIAL OR NAME	FAMILY (OR LAST) NAME
2.	<u></u>	<u></u>	<u></u>
	GIVEN NAME	MIDDLE INITIAL OR NAME	FAMILY (OR LAST) NAME
3.	<u></u>	<u></u>	<u></u>
	GIVEN NAME	MIDDLE INITIAL OR NAME	FAMILY (OR LAST) NAME

3. Residence address(es) of the inventor(s), as numbered above (37 C.F.R. § 1.51(c)(1)(iii)):

1. 36-24 221ST STREET, BAYSIDE, QUEENS, NEW YORK, 11361

2.

3.

4. The title of the invention is (37 C.F.R. § 1.51(c)(1)(iv)):

SOLAR RAIL SYSTEM

5. The name, registration, customer and telephone numbers of the practitioner (if applicable) are (37 C.F.R. § 1.51(c)(1)(v)):

Name of practitioner: WILLIAM R. EVANS

Reg. No. 25,858 Tel. (212) 708-19390

Customer No. 00140

(complete the following, if applicable)

[] A power of attorney accompanies this cover sheet.

6. The docket number used to identify this application is (37 C.F.R. § 1.51(c)(1)(vi)):

Docket No. U 014764-0

7. The correspondence address for this application is (37 C.F.R. § 1.51(c)(1)(vii)):

Ladas & Parry, 26 West 61st Street, New York, NY 10023

8. Statement as to whether invention was made by an agency of the U.S. Government or under contract with an agency of the U.S. Government. (37 C.F.R. § 1.51(c)(1)(viii)).

This invention was made by an agency of the United States Government, or under contract with an agency of the United States Government.

☒ No
☐ Yes

The name of the U.S. Government agency and the Government contract number are:

9. Identification of documents accompanying this cover sheet:

A. Documents required by 37 C.F.R. §§ 1.51(c)(2)-(3):

Specification:	No. of pages	<u>2</u>
Drawings:	No. of sheets	<u>3</u>

B. Additional documents:

☐ Claims: No. of claims

Note: See 37 C.F.R. § 1.51.

☐ Power of attorney
☐ Small Entity Statement or Written Assertion
☐ Assignment
☐ English language translation of non-English provisional application and Statement of Accuracy thereof

NOTE: A provisional application which is filed in a language other than English, does not have to have an English language translation. See 37 C.F.R. § 1.52(d)(2). However, if the provisional application is not in the English language and will later serve as a benefit of its filing date for a nonprovisional application, other than a design patent, or for an international application designating the U.S., then an English language translation must be filed in the provisional application or the later filed nonprovisional application. See § 1.78(a)(5)(iv).

10. Fee

The filing fee for this provisional application, as set in 37 C.F.R. § 1.16(k), is \$160.00, for other than a small entity, and \$80.00, for a small entity.

- ☐ Applicant is not a small entity.
☒ Applicant is a small entity.

NOTE: "A . . . statement i compliance with existing § 1.27 is required to be filed in each provisional application in which it is desired to pay reduced fees." Notice of April 14, 1995, 60 Fed. Reg. 20, 195, at 20,197.

11. Small entity assertion

- ☐ A Statement or Written Assertion that this is a filing by a small entity under 37 C.F.R. § 1.27(c)(1) is attached.
☒ Small entity status is asserted for this application by payment of the small entity filing fee under § 1.16(k). 37 C.F.R. § 1.27(c)(3).

WARNING: "Small entity status must not be established unless the person or persons signing the . . . statement can unequivocally make the required self-certification." M.P.E.P. Section 509.03, 6th ed., rev. 2, July 1996 (emphasis added).

12. Fee payment

- ☒ Fee payment in the amount of \$ 80.00 is being made at this time.
☐ No filing fee is to be paid at this time. (This and the surcharge required by 37 C.F.R. § 1.16(l) can be paid subsequently.)

13. Method of fee payment

- ☒ Check in the amount of \$ 80.00.
☐ Charge Account No. 12-0425, in the amount of \$ _____.
A duplicate of this Cover Sheet is attached.

Please charge Account No. 12-0425 for any deficiency in the fee paid.


Date: _____

Signature of submitter

Tel.: ()

OR

Date: November 12, 2003



Signature of practitioner

Reg. No.: 25,858

WILLIAM R. EVANS
(type or print name of practitioner)

Tel.: (212)708-1930

LADAS & PARRY
P.O. Address

Customer No.: 00140

26 WEST 61ST STREET
NEW YORK, NEW YORK 10023

Solar Rail System

Anthony Morali's Solar Rail is an integrated environmental system utilizing the benefits of thin film photovoltaic technology and structural glazing systems in order to create a fusion system that will become a balcony, terrace or guard rail and a supplemental energy provider.

Technically the systems range in size in both wattage and the number of panels being used. Components beyond the photovoltaic modules can consist of but not be limited to disconnect switches, combiner boxes, fuses, breakers, DC to AC inverters and miscellaneous wire, conduit and fittings. System designs are replicable but site specific electrical engineering will be part of the services provided to any potential buyer.

The rail systems can use various types of photovoltaic technologies depending on aesthetic and power requirements. Thin film technology is a silicon (usually amorphous silicon) sprayed onto a substrate of glass or metal, to create a PV module. Single crystal and poly-crystal PV technology use wafers of silicon strung together on a substrate of glass to create a PV module.

The PV modules are placed in direct sunlight to produce DC electricity without noise or pollution. This DC power (voltage and current or amperage) can feed batteries or be converted directly into AC power that is conditioned to meet the needs of which can be used in any building requiring electricity. This power can fulfill all or supplement the power to a building.

The advantages of utilizing solar energy are many. Solar energy is produced without noise or pollution, helps reduce the demand for power thus helping utility networks from being overloaded, increases energy security through the distribution of power sources, creates local jobs and helps reduce our dependence on fossil fuels for power generation.

The Solar Rail System is an integrated system made of multiple components:

- 1. Photovoltaic:** (Film in between tow layers of tempered glass)
- 2. Anchor Plans:** (for connection main structural frames)
- 3. Aluminum or Stainless Steel Top Rail:** (forms an electrical conduit for direct current to mains)
- 4. Perforated Solar Film:** (allows for diffusion of light through glass panel)

Typical: Photoboltaic panels are applied to roofs of buildings or freestanding objects.

Solar Rail System: The Solar Rail System is part of a wall system enclosing a habitable space. The Solar Rail System has to meet all the relevant criteria of local and national building codes for safety and structural resistance of applied horizontal and lateral forces. Further applications apply the Solar Rail System as window, wall, and curtain wall systems. The Solar Rail System provides for enclosure of volumes of space, weather resistance, protection of interior habitable occupants and light to be transfused at the same time while providing an energy source.



DETAILS OF SOLAR RAIL



DETAILS OF SOLAR RAIL

THE SOLAR RAILING

STYLED HOUSES

Document made available under the Patent Cooperation Treaty (PCT)

International application number: PCT/US04/037980

International filing date: 12 November 2004 (12.11.2004)

Document type: Certified copy of priority document

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World Intellectual Property Organization (WIPO) - Geneva, Switzerland
Organisation Mondiale de la Propriété Intellectuelle (OMPI) - Genève, Suisse

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